

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
ROBERT SMITH, a.k.a. BOBBY Q. SMITH, )  
 )  
Defendant. )

2:11-CR-036 PMP (PAL)

**PRELIMINARY ORDER OF FORFEITURE**

This Court finds that on January 18, 2012, defendant ROBERT SMITH, a.k.a. BOBBY Q. SMITH pled guilty to Counts One and Three of a Three-Count Criminal Indictment charging him in Count One with Possession of a Firearm by a Convicted Felon in violation of Title 18, United States Code, Section 922(g)(1) and in Count Three with Use or Possession of a Firearm in Relation to a Crime of Violence or Drug Trafficking Offense in violation of Title 18, United States Code, Sections 922(g)(1). Docket #1, #35.

This Court finds defendant, ROBERT SMITH, a.k.a. BOBBY Q. SMITH, agreed to the forfeiture of the property set forth in Forfeiture Allegation of the Criminal Indictment and in the Plea Memorandum. #1, #35.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Criminal Indictment and the Plea Memorandum and the offenses to which defendant ROBERT SMITH, a.k.a. BOBBY Q. SMITH, pled guilty.

1 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section  
2 924(d)(1) and Title 28, United States Code, Section 2461(c):

- 3 a) a Tomcat Beretta, .32 caliber semi-automatic handgun, serial number DAA085242;  
4 and  
5 b) any and all ammunition ("property").

6 This Court finds the United States of America is now entitled to, and should, reduce the  
7 aforementioned property to the possession of the United States of America.

8 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
9 United States of America should seize the aforementioned property.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of  
11 ROBERT SMITH, a.k.a. BOBBY Q. SMITH, in the aforementioned property is forfeited and is vested  
12 in the United States of America and shall be safely held by the United States of America until further  
13 order of the Court.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America  
15 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture  
16 website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall describe the forfeited property, state the  
17 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the  
18 name and contact information for the government attorney to be served with the petition, pursuant to  
19 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed  
21 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,  
23 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the  
24 following address at the time of filing:

25 ...

26 ...

1 MICHAEL A. HUMPHREYS  
Assistant United States Attorney  
2 DANIEL D. HOLLINGSWORTH  
Assistant United States Attorney  
3 Nevada State Bar No. 1925  
Lloyd D. George United States Courthouse  
4 333 Las Vegas Boulevard South, Suite 5000  
Las Vegas, Nevada 89101  
5

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein  
7 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency  
8 following publication of notice of seizure and intent to administratively forfeit the above-described  
9 property.

10 DATED this \_ 19th day of January, 2012.

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12 \_\_\_\_\_  
13 UNITED STATES DISTRICT JUDGE  
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PROOF OF SERVICE

I, Elizabeth Baechler-Warren, Forfeiture Support Associate Paralegal, certify that the following individuals were served with a copy of the foregoing Preliminary Order of Forfeiture on January 19, 2012, by the below identified method of service:

CM/ECF:

Monique N. Kirtley  
Federal Public Defender  
411 E Bonneville Suite 250  
Las Vegas, NV 89101-  
Email: Monique\_Kirtley@fd.org  
Counsel for the Defendant Robert Smith

Jason F. Carr  
Federal Public Defender  
411 E Bonneville Suite 250  
Las Vegas, NV 89101-  
Email: ECF\_Vegas@FD.ORG  
Counsel for the Defendant Robert Smith

/s/ Elizabeth Baechler-Warren  
Elizabeth Baechler-Warren  
Forfeiture Support Associate Paralegal